

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos. 13893 and 13945 of 2002

COMMON ORDER:

These writ petitions are filed seeking a writ of certiorari calling for the records and connected with the orders of punishment dated 29.06.2000 passed by the Disciplinary Authority, the 3rd respondent herein, as confirmed by the appellate authority in the memo dated 13.11.2001, and quash the same.

2. The issue involved in both the writ petitions is one and same and, hence, they are heard together and disposed of by way of this common order.

3. Heard Sri K. Rajyalakshmi, learned counsel for the petitioners, and P. R. Balarami Reddy, learned standing counsel for the respondents.

4. For the sake of convenience and to avoid ambiguity in the discussion, the case of the petitioner in W.P.No.13893 of 2002 is taken into consideration, which is as follows:

Initially the petitioner was appointed on 22.06.1977 in the erstwhile A.P. State Electricity Board and later i.e., on 12.12.1991 promoted as U.D.C. After bifurcation of the A.P. State Electricity Board into two, he is now working in the said capacity in the Northern Power Distribution Company. While he was working at Warangal, the work of collection of cash revenues was entrusted to one Mr.

S.K.Fasiuddin. As the said Fasiuddin had misappropriated the funds by not crediting the amounts collected from the subscribers to their accounts, a show cause notice dated 18.07.1999 was issued to the petitioner by the disciplinary authority, holding that he had committed misconduct and he was liable for punishment of stoppage of two increments with cumulative effect, for which the petitioner submitted an explanation. Not being satisfied with the explanation, the disciplinary authority appointed an enquiry officer to enquire into the matter. The enquiry officer had conducted a detailed enquiry and submitted a report on 30.12.1999 wherein it was held that the charge leveled against the petitioner was proved. The disciplinary authority, based upon the enquiry officer's report, imposed the punishment of stoppage of one increment with cumulative effect, vide orders dated 29.06.2000. Aggrieved by the same, the petitioner preferred an appeal before the appellate authority and it was rejected on 13.11.2001. The same is questioned in the writ petition.

5. Learned counsel for the petitioners contends that the punishment imposed on the petitioners is shocking and disproportionate; that the petitioners have not indulged in any misappropriation of funds, that the charge leveled against the petitioners is that they had failed to discharge the supervisory powers which led to misappropriation of funds by Mr. S.K. Fasiuddin, that in no way the petitioners are responsible for the same, and that,

therefore, he prays to set aside the order of punishment imposed by the disciplinary authority as well as the appellate authority's order.

6. Learned standing counsel for the respondents would submit that the disciplinary authority, after giving opportunity to the petitioner at every stage, has imposed the punishment and the appellate authority has rightly confirmed the orders passed by the disciplinary authority. Therefore, the orders of the disciplinary authority and the appellate authority are not liable for interference.

7. I have carefully examined the submissions made by the parties. Though the charge leveled against the petitioners is proved by the enquiry officer, however the disciplinary authority, taking a lenient view, imposed the punishment of stoppage of one increment with cumulative effect, instead of two increments with cumulative effect as proposed in the show cause notice dated 18.07.1999. Hence, I do not find any denial of principles of natural justice nor the punishment imposed on the petitioners as disproportionate. Therefore, both the writ petitions are devoid of merits and they are, accordingly, dismissed.

Consequently, miscellaneous petitions if any pending in both the writ petitions shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

30th November, 2017
cbs

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WRIT PETITION Nos. 13893 & 13945 of 2002
(dismissed)

30th November, 2017

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